

Federal Judicial Center

ANNUAL REPORT

2020

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A MESSAGE FROM THE DIRECTOR

In 2020, the COVID-19 pandemic altered even the most routine activities of daily life everywhere. Safety became the central consideration in every decision.

Like our colleagues throughout the federal judiciary, the people at the Federal Judicial Center responded to the pandemic with creativity and dedication to help maintain operations in the federal courts while protecting the health of all concerned. The Center quickly shifted to conducting business and delivering service virtually, and it developed programs and projects to address pandemic-generated issues and needs in the courts.

While adjusting our work to the pandemic, we did not lose sight of constant principles and enduring values. The pandemic forced some changes in how the judiciary operates, but the mission of the courts remained the same, and so did the Center's. Courts must always be places where all are accorded dignity and respect and in which disputes are resolved efficiently according to the evidence, law, and reason. At the Center, we continued to further the development and adoption of improved judicial administration in the courts. The importance of rigorous and objective research and education to assist judges and judicial branch personnel in performing their jobs properly and proficiently was as great as ever.

In 2020, six of our colleagues retired after a combined 170 years of service at the Center. These included Jim Eaglin, who retired after forty-four years with the Center, the last twenty-two as the director of the Research Division. Jim, and all those who departed, left a legacy of excellence and dedication for us to emulate and build on.

The Center also added outstanding people. These include three new members of its senior staff: new Research Director Dr. Elizabeth Wiggins, who had been a senior research associate with the Center for thirty-one years; Dr. Christine Lamberson, who joined us as the director of the Center's Federal Judicial History Office; and Dr. José Idler, who joined us as the director of the Editorial and Information Services Office.

As proud as we are of our own work, we do not forget the terrible losses and hardships the pandemic caused for so many, or the exceptional efforts of those who treated and cared for people who were sick and suffering.

This report summarizes the Center's valuable work in what was a difficult year for practically everyone. I am grateful to the Center's Board and our advisory committees for their advice and support, and to the many others throughout the judiciary and beyond who have shared their time and expertise with us. I especially thank the outstanding people at the Center, whose names appear on page 4 and with whom it is my privilege to serve.



JOHN S. COOKE

ABOUT THE FEDERAL JUDICIAL CENTER

Statutory Mission

Congress created the Federal Judicial Center in 1967 “to further the development and adoption of improved judicial administration in the courts of the United States.” The Center provides education and training for judges and employees of the federal courts and conducts empirical and exploratory research into various aspects of judicial administration, including case management and potential changes to the federal rules of procedure. This annual report, mandated by statute, describes the Center’s activities in calendar year 2020.

Governance

The Chief Justice of the United States chairs the Center’s Board. By statute, the Board also includes two circuit judges, three district judges, one bankruptcy judge, and one magistrate judge, who are elected to four-year terms by the Judicial Conference of the United States, and the director of the Administrative Office of the U.S. Courts, who serves ex officio. The Board oversees the Center’s activities, and its members serve on standing committees on education and research and on advisory committees on judicial education programs (listed on pages 15–16).

In March 2020, the Judicial Conference elected Judge Carol Bagley Amon of the U.S. District Court for the Eastern District of New York and Judge Thomas M. Hardiman of the U.S. Court of Appeals for the Third Circuit to the Center’s Board. They replaced Judge George Z. Singal of the U.S. District Court for the District of Maine and Judge David S. Tatel of the U.S. Court of Appeals for the D.C. Circuit.

The Board appoints the Center’s director and deputy director; the director appoints the Center’s staff. The Center’s director is John S. Cooke. The Center’s deputy director is Clara J. Altman.

Organization

The organization of the Center reflects its primary statutory mandates. The Education Division plans and produces education and training for judges and judicial branch personnel, including in-person programs, videos, podcasts, publications, curriculum packages for in-district training, and web-based programs and resources. The Research Division examines and evaluates current and alternative federal court practices and policies. This research assists Judicial Conference committees, which request

Board

The Chief Justice of the United States, Chair
Judge Carol Bagley Amon, U.S. District Court
for the Eastern District of New York

Magistrate Judge Tim A. Baker, U.S. District
Court for the Southern District of Indiana

Judge Duane Benton, U.S. Court of Appeals
for the Eighth Circuit

Judge Nancy D. Freudenthal, U.S. District
Court for the District of Wyoming

Judge Thomas M. Hardiman, U.S. Court of
Appeals for the Third Circuit

Judge Raymond A. Jackson, U.S. District
Court for the Eastern District of Virginia

James C. Duff, Director of the Administrative
Office of the U.S. Courts

Senior Staff

John S. Cooke, Director

Clara J. Altman, Deputy Director

Dana K. Chipman, Director,
Education Division

Esther DeVries, Director,
Information Technology Office

Mira Gur-Arie, Director,
International Judicial Relations Office

José Idler, Director,
Editorial and Information Services Office

Christine Lamberson, Director,
Federal Judicial History Office

Nancy Payne, Director,
Office of Administration

Elizabeth C. Wiggins, Director,
Research Division

most Center research, in developing policy recommendations. The Center's research also contributes substantially to its educational programs. The Federal Judicial History Office helps courts and others study and preserve federal judicial history. The International Judicial Relations Office provides information to judicial and legal officials from foreign countries and informs federal judicial personnel of developments in international law and other court systems that may affect their work. Two units of the Director's Office—the Information Technology Office and the Editorial and Information Services Office—support Center missions through technology, editorial and design assistance, and organization and dissemination of Center resources.

Coordination Within the Judicial Branch

Many programs and projects described in this annual report involve coordination, cooperation, and consultation with committees of the Judicial Conference, the Administrative Office, the U.S. Sentencing Commission, the U.S. Judicial Panel on Multidistrict Litigation, and the courts. Advisory committees of judges, court staff, and others help in planning and producing education programs and publications.

Staffing and Appropriation

The Center had a fiscal year 2020 appropriation of \$30,436,000, and it employed 125 people at the end of calendar year 2020. Its fiscal year 2021 appropriation is \$29,015,000.

Effects of the COVID-19 Pandemic

The coronavirus pandemic affected Center operations and spending substantially in 2020. From mid-March through the end of 2020 and beyond, all travel and all in-person programs and meetings were canceled, and some research projects were delayed. In place of in-person programming, the Center added many virtual programs. These changes are described in greater detail throughout this report.

Because travel and in-person programs were canceled, the Center ended fiscal year 2020 with a surplus of funds. Some of these funds were transferred, with congressional approval, to a different judiciary appropriation, and some were returned to the U.S. Treasury. The Center reduced its fiscal year 2021 appropriation request to \$29,015,000 because the ongoing pandemic will again reduce Center travel expenditures in 2021.

2020 AT A GLANCE

20 research and evaluation projects completed. Work commenced or continued on 48 others, including 9 related to the courts' response to the COVID-19 pandemic

30 reports, manuals, monographs, or reference guides published or updated

121 programs that reached almost 23,000 participants

1 two-part webinar series conducted for educators on historical cases in the federal courts

35 new educational video programs produced

21 new podcasts created

45 new resources and virtual educational programs provided on COVID-19 pandemic-related issues

4,468 publications and media items shipped

2020 FEDERAL JUDICIAL CENTER STAFF

Somayah Allibhai-Mawani	Kimberly Fisher	Meghan Kocijanski	Dana Przesmitzki
Clara Altman	Jessica Folk	Jennifer Krause	Tim Reagan
Marlene Annoni	Crystal Frederick-Mitcheltree	Jana Laks	Joy Richardson
Chuck Arberg	Kristin Garri	Christine Lamberson	Jennifer Richter
Marvin Astrada	Carly Giffin	Elizabeth Lambert	Christina Ruffino
Brenda Baldwin-White	Anna Glouchkova	Timothy Lau	Steve Saltzgiver
Elia Bendavid	Vashty Gobinpersad	Hai Le	Nanticha Sangsung
Craig Bowden	Samuel Golant	Marie Leary	Mark Sherman
Travatia Bowden	Morgan Goodin	Emery Lee	Michael Siegel
Winston Bowman	Dexter Green	Ken Lee	Michelle Slavin
Myrt Burge	Elizabeth Tyler Greenlaw	Frank Leidy	Claire Smearman
Jason Cantone	Mary Greiner	Angelia Levy	Deena Smith
Jim Chance	Krishna Gunupati	Ed Liberatore	Jessica Snowden
Garbo Cheung-Jasik	Naveen Gupta	Julie Linkins	Cassandra Snyder
Dana Chipman	Mira Gur-Arie	Lee Lipscomb	Rhonda Starks
Jackie Clark	Gabriela Gutierrez	Dwayne Livingston	Donna Stienstra
Sally-Anne Cleveland	LaVerne Heade	Angela Long	Jantell Stone
John Cooke	Stephanie Hemmert	Kris Markarian	Mark Trimble
George Cort	Marquita Henry	Richard Marshall	Tatiana Varanko
LaTonja Cox	Marland Holloway	Ursula Maurer	Micheline Verdant
Tyeika Crawford	Laural Hooper	Susanna McCrea	Danielle Vestal
Missy Cross	José Idler	Carla Medina	Amber Voss
Ben Curry	Beth Johnson	Dean Miletich	Clint Wang
Esther DeVries	Molly Johnson	Doug Mitchell	Frank Washington
Joseph Donahoe	Rebecca Johnson	Lori Murphy	Yvonne Washington
Nathan Dotson	Andrew Kaplan	Christopher Murray	Beth Wiggins
Meghan Dunn	Tracy Keels	Matt Nixon	Margaret Williams
Hieu Duong	Mary Keller	Hanna Ortiz	Robb Wilmot
Trung Duong	Satnam Khalsa	Nancy Payne	Jefri Wood
Shelly Easter	Hamid Khan	Olivia Pennock	
Rebecca Eyre	Mariam Khan	Gloria Pleasure	
Charles Fenaoui	Jake Kobrick	Maisha Pope	

EDUCATION

Center staff consult with the Board and ten education advisory committees to design and deliver educational programs and resources for the judges and court staff of the federal judiciary. The Center's educational programs address emerging issues as well as perennial concerns and use a competency-based curriculum that focuses on the relevant knowledge, skills, and attributes of various positions. Center programs continued to address priority issues for the judiciary, including promoting an exemplary workplace, cybersecurity, diversity and inclusion, and health and personal safety.

In 2020, the COVID-19 pandemic necessitated major changes in operations in the federal courts. The Center's educational offerings provided resources to help court employees and judges address these challenges. The Center's new offerings included two educational resource pages that have been updated throughout the pandemic. **COVID-19: Educational Resources** for judges and judiciary staff offers material on leadership and management, resiliency and wellness, and telework and productivity. **COVID-19: Legal Issues and Resources** reviews key issues in pandemic-related litigation and lists resources and legal authorities to assist federal judges.

The Center changed its educational program formats to respond to the COVID-19 pandemic. In 2020, the Center offered 121 programs, and other learning opportunities, through in-person seminars, webinars, audio conferences, e-learning courses, educational webpages, and videos and podcasts. Due to the COVID-19 pandemic, the Center did not hold any in-person programs after March, leading to the cancellation of 55 in-person programs. The Center expanded and enhanced its virtual offerings, which reached almost 23,000 participants.

Executive Education

The Center offers leadership and management education to chief judges, court unit executives (CUEs), and deputy court unit executives (DCUEs) across the judiciary. In 2020, these programs continued to focus on leadership skills such as conducting difficult conversations, promoting diversity, and maintaining an exemplary workplace. To assist executives in the judiciary navigating challenges posed by the COVID-19 pandemic, new programs were offered on topics such as leadership

and resiliency during a crisis. The Center offered the following executive education programs in 2020:

- *Becoming an Executive* (webinar)
- *Conference for Chief Judges of U.S. Bankruptcy Courts* (audio conference)
- *Conference for Chief Judges of U.S. District Courts* (audio conference)
- *FOCUS: Thriving Through Crisis* (webinar)
- *Judiciary Executive Leadership Program Concluding Seminar* (in-person seminar)
- *Leading During a Pandemic: Science-Informed Techniques* (webinar)
- *Leading the Judiciary through Uncertainty: Building Resiliency and Wellness Habits for Court Leaders* (webinar)
- *Practices of Exemplary Leadership: Chief Judges* (webinar)
- *Practices of Exemplary Leadership: Court Unit Executives* (webinar)
- *Executive Edge* Podcast
 - Episode 11: "Leadership Blind Spots"
 - Episode 12: "Leadership Skills for the Twenty-First Century"
 - Episode 13: "Creating Psychological Safety"
 - Episode 14: "Ambidextrous Leadership and Organizational Culture"
 - Episode 15: "Understanding and Combating Racial Bias"
 - Episode 16: "Radical Self-Inquiry for Leaders"
 - Episode 17: "Grit: How Hard Work, Not Talent, Predicts Success"

The Center also launched or updated the following educational webpages:

- *COVID-19: Educational Resources*
- *District Court Pro Se Litigation*
- *New Chief Judges' Tool Kit*
- *New Court Unit Executives' Tool Kit*

Judicial and Legal Education

The Center offers orientation and continuing education programs and resources for judicial officers. These

offerings address law, ethics, case management, the judicial role, and more. The Center also offers programs for judiciary attorneys.

Orientation Seminars for New Judges

Within the first year of taking the bench, district, bankruptcy, and magistrate judges are invited to attend a two-phase orientation program. These programs address a judge's duties and responsibilities, review critical substantive law, and introduce judges to people who can provide resources and mentorship. All new judges also receive a select set of Center publications to supplement chambers or bench reference materials.

The Center previously held its orientation programs for new judges exclusively in person. During 2020, these seminars were conducted virtually to ensure that all new judges would continue to be offered an orientation program during the COVID-19 pandemic. The Center held the following ten orientation programs for judges:

- Appellate Judges (one in-person seminar)
- Bankruptcy Judges (two webinar series)
- District Judges (one in-person seminar and three webinar series)
- Magistrate Judges (one webinar series)

Continuing Education Programs and Resources

The Center also offers continuing education programs for judges, including special-focus seminars. The Center offered the following continuing education programs in 2020:

Appellate and District Judges

- *High Performance Stress Management* (series of three webinars for new district and appellate judges)
- *Workshop for Judges of the Ninth Circuit* (in person)

District Judges

- *Climate Judiciary Project* (cosponsored with the American Association for the Advancement of Science and the Environmental Law Institute) (in-person seminar)
- *Compassionate Release in the Time of COVID-19* (webinar)
- *Election Litigation During the Time of COVID-19* (webinar)
- *Employment Law Workshop* (cosponsored with the NYU School of Law's Institute of Judicial Administration and Center for Labor and Employment Law) (in-person seminar)

- *Get Smart: An Exploration of Artificial Intelligence and the Law* (cosponsored with the Bolch Judicial Institute at Duke Law School) (webinar)
- *History, Courts, and Change* (webinar)
- *Law and the Biosciences* (cosponsored with Stanford Law School and its Center for Law and the Biosciences) (in-person seminar)
- *Mediation Skills for Federal Judges* (cosponsored with the Straus Institute for Dispute Resolution at Pepperdine University's Caruso School of Law) (webinar)
- *Please Proceed—Judicial Education Videos Worth Sharing* (thirteen video episodes)
 - “Conducting a Change of Plea and Sentencing in the Same Appearance”
 - “Conducting a Patent Trial Remotely”
 - “Conducting Revocations of Supervised Release Remotely”
 - “How to Use the Judiciary's Disaster and Recovery Tool to Decide Whether, When, and How Much to Reopen” (two parts)
 - “Managing Remote Civil Proceedings”
 - “Managing Remote Court Hearings and Developing a Sentencing Script”
 - “One Court's Thoughts on Reopening” (two parts)
 - “Reconvening Grand Juries”
 - “Speaking with the Media”
 - “Starting a Problem-Solving Court”
 - “Working Remotely”

Bankruptcy Judges

- *A Review of Eighth Circuit Bankruptcy Decisions 2020* (video)
- Conference Calls for Bankruptcy Judges (ten audio conferences)
 - “City of Debtors: A Century of Fringe Finance”
 - “Counsels' Perspective on the Impact of COVID-19”
 - “How Dealing with the COVID-19 Pandemic Has Taught Us to Be Better Judges”
 - “Paycheck Protection Program/Small Business Administration Injunctive Relief and Issues in Unreported SBRA [Small Business Reorganization Act] Cases”
 - “Problems from Article 9, Secured Transactions”
 - “Pulling Back the Curtain on Bankruptcy Cases at SCOTUS: The Advocates Discuss the Oral Argument in *City of Chicago v. Fulton*”

- “Remote Hearings and Challenges of a Reluctant Remote Litigant”
- “States’ Responses to the COVID-19 Pandemic—Eviction Moratoria, and So Much More!”
- “The Challenges of Reopening Bankruptcy Courts” (two parts)
- *Consumer Update for Bankruptcy Judges* (webinar)
- *Credit Markets and Business: Now and What’s Coming* (video)
- *The Effect of the Pandemic on Consumers: Now and What’s Coming* (webinar)
- *How Bankruptcy Courts Are Responding to the Challenges of the COVID-19 Crisis* (five audio conferences)
- *Internal and External Outreach for Bankruptcy Judges* (webinar)
- *Managing Our Health and Wellness During COVID-19 and Beyond* (podcast)
- *Managing Stress in Difficult Times* (webinar)
- *SBRA [Small Business Reorganization Act] Update and Discussion* (webinar)
- *Virtual Bankruptcy Hearings—Extraordinary Practices that Are Becoming Commonplace* (webinar)

Magistrate Judges

- *Case Law Update: Digital Privacy and Warrants, Post-Carpenter* (webinar)
- *Conducting Criminal Proceedings and Authorizing Warrants Remotely* (webinar)

Judges and Court Attorneys

- *Amendments to the Federal Rules of Practice and Procedure: Evidence 2019—The Residual Hearsay Exception* (video)
- *COVID-19: Legal Issues and Resources* (webpage)
- *Information Technology Security Awareness* (videos for all judges and court staff)
- *Opioid Crisis* (webpage featuring twelve videos)
 - “Introduction”
 - “A View from the Bench”
 - “Alternative Court Programs”
 - “Biology, Neurobiology and Chemistry of Opioid Use Disorder”
 - “Good People with a Bad Problem”
 - “Psychology and Opioid Use Disorder”
 - “Road to Recovery”
 - “The State Court Perspective”

- “Treatment of Incarcerated Individuals with Opioid Use Disorders”
- “Understanding the Issue”
- “Use of Medication-Assisted Treatment for Opioid Use Disorder in Criminal Justice Settings”
- “Summary”
- *Science Resources* (webpage featuring materials on fingerprint identification, neuroscience, and the opioid crisis)
- *Term Talk* (nine video reviews of key Supreme Court decisions on civil rights, immigration, separation of powers (two episodes), criminal and Native American law, reproductive freedom, sex discrimination under Title VII, and religious freedom (two episodes))

Court Attorneys

- *Appellate Writing Workshop for Federal Defenders* (in-person workshop)
- *Court Web* (nine webcast episodes)
 - “A Preview of the Supreme Court’s Blockbuster October 2019 Term”
 - “The Judiciary’s Standards of Workplace Conduct and the Employment Dispute Resolution Options for Resolution”
 - “Civil Liberties Issues in the COVID-19 Pandemic”
 - “Essential Gatekeeping in a COVID-19 World”
 - “A Discussion of Implicit Bias”
 - “Ethics Training for Federal Judicial Law Clerks and Employees”
 - “Cybersecurity, Tech Tips, and Trends in the Age of COVID-19”
 - “Emerging Issues in Neuroscience and the Courts”
 - “Recent Developments in Federal Sentencing”
- *Interactive Orientation Seminar for Federal Judicial Law Clerks* (e-learning)
- *Maintaining the Public Trust* (e-learning for law clerks)

Management and Professional Development Education

The Center offers education programs to strengthen supervisors’ and managers’ proficiency in relevant competencies and provides instruction in workplace skills common to all court staff positions. The Center offered the

following management and professional development education programs in 2020:

- *Advanced Leadership Institute* (combination of webinars, e-learning, and individual projects)
- *Avoiding Ethics Pitfalls* (e-learning)
- *Federal Court Leadership Development Program* (combination of webinars and individual projects)
- In-District Programs (thirteen total)
 - Seven in person:
 - “Dealing with Difficult Situations”
 - “Meet: Breaking New Ground”
 - “Personality Temperament Instrument” (delivered twice)
 - “Preventing Workplace Harassment” (delivered twice)
 - “Structured Writing”
 - Six webinars:
 - “Performance Management” (delivered four times)
 - “Structured Writing” (in two parts) (delivered twice)
- *Information Technology Security Awareness* (videos for all judges and court staff)
- *Inside the Federal Courts* (e-learning)
- *Interactive Video Streaming Library Training Session* (webinar to show court trainers how to access the new on-demand video library)
- *Management and Professional Development Education Web* (webinar series with separate sessions for supervisors/managers and court employees; six webinars on two topics—resilience and employee engagement)
- *New Supervisors’ Development Program Tier 2 Workshop* (one in person, two via webinar)
- *Workplace Relations Training-for-Trainers Workshop* (in person)

Probation and Pretrial Services Education

After completing basic training, probation and pretrial services officers may participate in the Center’s continuing education programs for court employees and for supervisors and managers. The Center offered the following probation and pretrial services education programs in 2020:

- *Conditions of Post-Conviction Supervision: The Officer’s Critical Role* (e-learning)
- *Drug Testing Practices in the COVID-19 Environment* (online forum)
- *The Emerging Effects of COVID-19 on the Provision of Treatment Services* (video)
- *Everyday Ethics: A Matter of Choice* (e-learning)
- *Experienced Officer Competencies Tool Kit* (e-learning)
- *Exploring the Current Science of Substance Use Disorders* (three-part webinar series for treatment services officers)
- *Federal Problem-Solving Courts: FJC–National Association of Drug Court Professionals Conference Sessions* (three webinars)
- *From Crisis to Practice, The Effects of COVID-19 on Drug Testing, and COVID-19 Web Meetings* (three webinars for treatment services officers)
- *How Being Trauma-Informed Improves Criminal Justice System Responses* (four in-district, in-person programs)
- *Off Paper* (podcast, four episodes)
 - “The Case of the Addicted Bank Robber: How the FJC and Harvard Are Educating the Courts”
 - “Bank Robber Turned Law Professor Discusses Prison, Reentry, and Supervision”
 - “Creativity During COVID-19: How Probation and Pretrial Officers Are Managing Crisis”
 - “Listening to Black Officers”
- *Optimizing Performance and Well-Being* (webinar)
- *Pretrial Decision Making for Magistrate Judges and Pretrial Services Officers* (one in-district program)
- *Science-Informed Decision Making: The Neurobiology of Trauma, Fear, and Racism* (webinar for officers and judges)
- *Supervising Officers in an Evidence-Based Environment* (one in-person workshop; two quarterly webinar series; three webinar capstone programs; one implementation leadership web meeting)
- *Treatment Services: Negotiating Pathways and Supporting Successful Transitions* (e-learning)
- *What the Research Tells Us About Problem-Solving Courts* (three-part webinar series)

(continued on page 10)

Judicial Education Programs*	Number of Programs	Number of Participants
Orientations for U.S. Court of Appeals judges (1 in person)	1	71
Orientations for newly appointed district judges (2 in person)	5	119
Orientations for newly appointed bankruptcy judges	2	39
Orientations for newly appointed magistrate judges	2	55
Circuit workshops (1 in person)	1	60
Judge special-focus programs (3 in person)	19	1,434
TOTAL	30	1,778
Judiciary Attorney Education Programs*	Number of Programs	Number of Participants
Appellate writing for federal defenders (1 in person)	1	35
Special-focus seminars	1	1,840
TOTAL	2	1,875
Judicial and Judiciary Attorney Programs (combined)*	Number of Programs	Number of Participants
Special-focus seminars	8	9,584
TOTAL	8	9,584
Programs and Planning Meetings for Executives, Managers, Supervisors, Probation and Pretrial Services Officers, and Staff*	Number of Programs	Number of Participants
Leadership and management programs for chief judges, court unit executives, and deputy court unit executives (4 in person)	8	1,390
Programs for supervisors, managers, aspiring leaders, court staff, and trainers (2 in person)	13	2,448
Programs specifically for probation and pretrial services officers (6 in person)	22	1,940
In-district programs for supervisors, managers, aspiring leaders, court staff, and trainers (7 in person)	13	568
TOTAL	56	6,346
Other Virtual Programs**	25	3,405
GRAND TOTAL (does not include programs developed with other organizations)	121	22,988

* No in-person programs held after March 2020. Programs include: in person (in parentheses), webinars, and hybrid (in person and webinar).

** This category includes e-learning and audio conferences.

Staff Teaching and Additional Services

The Center provides education at conferences, retreats, and meetings sponsored by other organizations, which in 2020 included a presentation to the national conference of the National Association of Pretrial Services Agencies. The Center collaborated with the Administrative Office on an e-learning program for Employment

Dispute Resolution Coordinator Training, a webinar titled *HVAC and Airflow Amid COVID-19 Pandemic* (part of the Service Validation Initiative), a judges' checklist video about information technology security awareness training for judges and clerks, and a web conference on extremism. The Center also provided organizational consulting services for six court units.

RESEARCH

In June, Dr. Elizabeth Wiggins was appointed as the Research Division director, succeeding James Eaglin who retired after forty-four years at the Center, the last twenty-two as research director. During 2020, the Center conducted research activities at the request of the Judicial Conference and its committees, the Administrative Office, the Judicial Panel on Multidistrict Litigation, and individual courts. The Center also undertook its own research initiatives in response to the COVID-19 pandemic and to inform its educational and international activities.

In March, the Center curtailed research that involved direct interaction with judges and court staff so as not to distract court personnel while they adjusted to the pandemic. The Center also suspended some research because data collected during such an unusual time might not be representative and useful. By midsummer, the Center resumed many of these activities by adjusting research methods or focus.

Bankruptcy Courts

At the request of the Committee on the Administration of the Bankruptcy System, the Center completed preparations for a study to update the bankruptcy case weights. Due to the pandemic, the study was postponed indefinitely.

The Center continued its evaluation of two multi-year pilot programs authorized by the Judicial Conference, one allowing the horizontal consolidation of bankruptcy clerks' offices and the other the filling of judgeship vacancies by one circuit for use in another circuit. The Center also continued to examine the impact of the Chapter 11 quarterly fee increase.

At the request of the Advisory Committee on Bankruptcy Rules, the Center began studying the feasibility

of changing the requirement for people who do not have a CM/ECF account to provide physical signatures, an issue that reemerged during the COVID-19 pandemic.

The Center assisted an Administrative Office working group to develop the fifth report on the insolvency of financial institutions, required by the Dodd-Frank Act, which was delivered to Congress in July.

At the request of the Committee on Federal-State Jurisdiction, the Center also developed a template presentation about bankruptcy for judges interested in speaking to the state courts.

Civil and Multidistrict Litigation

Since 2012, the Center has researched court files to develop case studies of emergency election litigation, which provide judges with legal rulings not available in legal research databases and offer information about how other judges handle unusual case management. The Center added entries involving the COVID-19 pandemic and held a webinar about election litigation.

The Center continued its evaluation of the congressionally mandated ten-year pilot study of patent case assignments in thirteen districts for the Committee on Court Administration and Case Management, and assisted with review of the committee's third edition of the *Civil Litigation Management Manual*.

The Center completed two reports on the certification of questions of state law for the Committee on Federal-State Jurisdiction. One report documented the state and territorial statutes that authorize certification of questions of state law, and another examined the variation in the rate and timing of certification among three circuits.

For the Advisory Committee on Civil Rules, the Center continued its evaluation of a three-year pilot program,

authorized by the Judicial Conference, of mandatory initial discovery procedures in two districts. The Center also studied the scope of civil cases consolidated under Federal Rule of Civil Procedure 42(a), since the Civil Rules Committee is considering a response to the Supreme Court's 2018 invitation in *Hall v. Hall* (138 S. Ct. 1118 (2018)) to examine the operation of the rule.

The Center conducted two surveys of transferee judges in recently closed MDLs and submitted a report to the Judicial Panel on Multidistrict Litigation to use in developing resources for transferee judges.

Criminal Litigation

The Center continued to evaluate the implementation of the interim recommendations in the Report of the Ad Hoc Committee to Review the Criminal Justice Act Program.

A Judiciary COVID-19 Taskforce is examining the use of remote technologies with detained persons for court proceedings and other events. To inform Taskforce recommendations, the Center is conducting surveys and holding focus groups with a wide range of stakeholders, seeking input about the challenges and successes of using virtual technology with those who are detained.

Science and Technology

In collaboration with the National Academies of Sciences, Engineering, and Medicine, the Center began developing the fourth edition of the *Reference Manual on Scientific Evidence*.

The Center hosts a Science and Technology Policy fellow from the American Association for the Advancement of Science each year. The Center's 2020–2021

fellow began developing resources to help judges and court staff understand new DNA technologies.

The COVID-19 Pandemic

The Center documented court responses to the COVID-19 pandemic by systematically gathering and archiving information from court websites and holding focus groups with judges and court executives. Progress was made creating a dashboard to show COVID-19 case data and trends in federal district courts and to display metrics useful to courts in making operational decisions.

Other Center Research

The Center presented a final report to the Committee on Intercircuit Assignments evaluating the district judge-sharing pilot program. This program paired district courts within the same circuit based on weighted case filings per authorized judgeship in an attempt to better allocate judicial resources.

To assist courts in managing their civil and criminal caseloads, the Center updated its case-management dashboards for each district court. The Center continued its study of the electronic filing deadline for the Committee on Rules of Practice and Procedure and its study of a juror-utilization pilot project for the Committee on Court Administration and Case Management.

In collaboration with the National Center for State Courts and international courts and organizations, the Center participated in the International Consortium for Court Excellence and in the update of the consortium's empirically based framework for evaluating the quality of court operations.

FEDERAL JUDICIAL HISTORY

In January, Dr. Christine Lamberson was appointed as the Federal Judicial History Office director. The Center's statute directs it to conduct, coordinate, and encourage programs relating to the history of the judicial branch.

The Center published *Approaches to Federal Judicial History*. This edited volume contains essays on historical approaches to important topics in the study of the federal judiciary. The essays address the practices and importance of the lower federal courts; the relationship between district and circuit courts, courts of appeals, and the Supreme Court; and the role of the federal judiciary in American society.

The Center continued to conduct research and promote the study and understanding of the judicial branch's history. It published three new web series featuring essays on cases that shaped the federal courts, the history of rules of practice and procedure in the federal courts, and the relationship between the executive and judicial branches.

The Center also continued to expand the historical reference materials available on the History of the Federal

Judiciary section of its website by completing an update of the courthouse gallery, adding a new exhibit on notable federal trials, and launching a new Spotlight on Judicial History series.

The Center continued its outreach efforts to increase knowledge of the history of the federal courts. Its history Twitter account, @FedJudicialHist, tweets about the history of the judiciary and links to materials on the History of the Federal Judiciary section of the website.

Though the planned annual teachers institute on historical cases in the federal courts had to be canceled because of the COVID-19 pandemic, the Center continued its work to promote teaching with federal trials. In partnership with the American Bar Association Division for Public Education, the Center offered two webinar series for middle and high school teachers about discussing federal trials in the classroom. Additionally, the Center expanded its online Teaching Judicial History project by publishing *United States v. Albert B. Fall: The Teapot Dome Scandal*.

INTERNATIONAL JUDICIAL RELATIONS

The International Judicial Relations Office coordinates the Center's international programs and serves as a resource to U.S. judges and executive branch agencies working with foreign judiciaries. The Center does not use appropriated funds for its international programs; most are coordinated and supported by partner judiciaries or implementing organizations funded by the U.S. State Department.

In a typical year, this work includes hosting briefings and programs for visiting delegations, facilitating projects that take place in other countries, and coordinating the Center's Visiting Fellows program.

In 2020, due to the COVID-19 pandemic, the Center engaged with counterparts entirely through virtual programs and meetings.

The Center hosted a program with Singapore's Judicial College, held over the course of two days. This workshop was developed for the college's faculty and focused

on interactive teaching methods. The Center partnered with the Rodrigo Lara Bonilla Judicial School of Colombia for a similar program that took place over three weeks and included presentations on instructional design.

Other virtual exchanges included mediation training with Vietnam's Court Academy, a program with the Republic of Korea's Judicial Research and Training Institute, and ongoing support for the Federal Supreme Court of Ethiopia as it develops a case-weight study to inform the introduction of a new case-management system.

Due to the COVID-19 pandemic, the Center's Visiting Fellows program has been suspended, but the Center reconnected with alumni of the program to learn about how their judicial systems were managing court operations during the pandemic. The Center then produced two thirty-minute video programs featuring the experiences of nine countries' judiciaries.

RESOURCES

Websites

The Center's website on the judiciary's intranet (fjc.dcn) provides judges and judicial branch personnel with information on the Center's research, education, history, and international programs and activities, and with access to print, video, and audio materials. Digital recordings of many conferences and workshops are also available on the site. All material on federal judicial history and international judicial relations, most Center publications, and some other resources are available to the public on the Center's internet site (fjc.gov).

Media Library

The media library contains 6,438 audio and video programs, including Center-produced educational videos, video and audio recordings of seminars and workshops, and commercially produced educational videos. In 2020, the media library loaned 65 programs to federal judges and judicial branch personnel by request and sent 116 Center-produced media programs directly to the courts for their use in local education and training programs.

Information Services

Drawing from a specialized collection of books, journals, and published and unpublished documents on the work of the federal courts, the Center serves as a clearinghouse for information on federal judicial administration. During the year it answered requests for information from judges and court staff, visiting foreign judicial fellows, congressional staff, other government agencies, academics, researchers, the media, and others.

Publications

As part of its statutory mission to provide research and educational resources to the federal courts, the Center publishes research reports, monographs on substantive legal issues, manuals, and reference guides. In 2020, the Center produced a variety of publications for judges, attorneys, and court staff, including

- 2019 Criminal Justice Act Attorney Demographics Survey
- Annual Report 2019
- *Approaches to Federal Judicial History*
- Certified Questions of State Law: An Examination of State and Territorial Authorizing Statutes
- The Committee on Intercircuit Assignment Judge Sharing Pilot
- Fifth Report Pursuant to Section 202(e) of the Dodd-Frank Wall Street Reform and Consumer Protection Act
- *Judicial Disqualification: An Analysis of Federal Law* (3d ed.)
- *Law Clerk Handbook* (4th ed.)
- *A New Judge's Introduction to Federal Judicial Administration* (2d ed.)
- Opt-in: Potential Workload Implications for the Federal Judiciary
- Patent Pilot Program Status Update
- Permissive Interlocutory Appeals, 2013–2019
- *U.S. v. Albert B. Fall: The Teapot Dome Scandal*

FEDERAL JUDICIAL CENTER FOUNDATION

The Federal Judicial Center Foundation is a private, nonprofit corporation that Congress established to receive gifts to support the work of the Center. The foundation has sole authority to decide whether to accept gifts and thereby to determine the suitability of would-be donors. The foundation may not accept gifts earmarked for projects that have not previously been approved by the Center's Board, and the Center has sole control over the design and conduct of activities supported by donations.

The Foundation is governed by a seven-person board appointed by the Chief Justice, the president pro tempore of the Senate, and the Speaker of the House of Representatives. No foundation board member may be a judge. The following were foundation board members at the close of 2020:

James M. Wagstaffe, San Francisco, Cal., *Chair*

Elizabeth J. Cabraser, San Francisco, Cal.

Judge Rebecca Love Kourlis (Ret.), Denver, Colo.

Peter A. Kraus, Dallas, Tex.

Blake D. Morant, Washington, D.C.

John B. White, Jr., Spartanburg, S.C.

Vacant

In creating the foundation, Congress directed that in its annual report the Center describe the purposes for which foundation gifts were used in the reporting year. The Center used the following foundation gifts in 2020:

- Funds from the Environmental Law Institute paid the travel expenses for federal judges to attend a seminar on climate science.

EDUCATION ADVISORY COMMITTEES

Advisory committees provide guidance on curriculum development and education programs and publications. The Chief Justice appoints the members of the advisory committees on appellate, bankruptcy, district, and magistrate judge education and the benchbook committee, and Center Board members serve on each of these committees.

The advisory committees had the following membership as of December 2020.

Committee on Appellate Judge Education

Judge David F. Hamilton (7th Cir.), *Chair*
Judge Duane Benton (8th Cir.), *Center Board Representative*
Judge Thomas M. Hardiman (3d Cir.), *Center Board Representative*
Judge Catharina Haynes (5th Cir.)
Judge Paul J. Watford (9th Cir.)
William T. Barto, Chief, Judicial Services Office
(Administrative Office of the U.S. Courts)

Committee on Bankruptcy Judge Education

Bankruptcy Judge Benjamin Kahn (M.D.N.C.), *Chair*
Chief Bankruptcy Judge Mildred Cabán (D.P.R.)
Bankruptcy Judge LaShonda A. Hunt (N.D. Ill.)
Bankruptcy Judge William J. Lafferty III (N.D. Cal.)
Troy A. McKenzie (Professor, New York University School of Law)
Bankruptcy Judge Cynthia A. Norton (W.D. Mo.)
William T. Barto, Chief, Judicial Services Office
(Administrative Office of the U.S. Courts)

Committee on District Judge Education

Judge Brian M. Cogan (E.D.N.Y.), *Chair*
Judge Carol Bagley Amon (E.D.N.Y.), *Center Board Representative*
Judge Edward M. Chen (N.D. Cal.)
Judge Catherine C. Eagles (M.D.N.C.)
Judge Raymond A. Jackson (E.D. Va.), *Center Board Representative*
Judge Abdul K. Kallon (N.D. Ala.)
Chief Judge Landya McCafferty (D.N.H.)
William T. Barto, Chief, Judicial Services Office
(Administrative Office of the U.S. Courts)

Committee on Magistrate Judge Education

Magistrate Judge Anthony E. Porcelli (M.D. Fla.), *Chair*

Magistrate Judge Tim A. Baker (S.D. Ind.), *Center Board Representative*
Magistrate Judge Allison Claire (E.D. Cal.)
Magistrate Judge Noelle C. Collins (E.D. Mo.)
Magistrate Judge Jonathan E. Hawley (C.D. Ill.)
Magistrate Judge David A. Sanders (N.D. Miss.)
William T. Barto, Chief, Judicial Services Office
(Administrative Office of the U.S. Courts)

Committee on the Benchbook for U.S. District Court Judges

Chief Judge Julie A. Robinson (D. Kan.), *Chair*
Judge Kathleen Cardone (W.D. Tex.)
Judge Nancy Freudenthal (D. Wyo.), *Center Board Representative*
Judge Irene M. Keeley (N.D.W.V.)
Magistrate Judge Lisa Lenihan (W.D. Pa.)
Judge Danny C. Reeves (E.D. Ky.)

Committee on Court Attorney Education

Michelle Sedgewick, Pro Se Law Clerk (D.D.C.), *Chair*
Susan Heider, Career Law Clerk (E.D. Mo.)
Michelle Kallam, Career Law Clerk (W.D. La.)
Bryan Richards, Supervising Pro Se Staff Attorney
(N.D. Ind.)
Marisa Watson, Senior Staff Attorney (3d Cir.)
Gloria J. Malkin, Attorney Advisor, Court Services Office
(Administrative Office of the U.S. Courts)

Defender Services Advisory Group Panel on Defender Education

Carlos Williams, Federal Defender (S.D. Ala.), *Chair*
Lisa Freeland, Federal Public Defender (W.D. Pa.)
Christina Hunt, Federal Defender (M.D. Ga.)
Robert LeBell, CJA Panel Representative (E.D. Wis.)
Laura Mate, National Sentencing Resource Counsel
Marjorie Meyers, Federal Public Defender (S.D. Tex.)

Jon Sands, Federal Public Defender (D. Ariz.), emeritus
Juval Scott, Federal Public Defender (W.D. Va.)
Bobbi Sternheim, CJA Panel Representative (S.D.N.Y.)

Committee on Executive Education

James Corpening, Chief U.S. Probation and Pretrial Services Officer (E.D.N.C.), *Chair*
Bankruptcy Judge Kathryn C. Ferguson (D.N.J.)
Judge Lynn Winmill (D. Idaho)
Diane F. Bauersfeld, Deputy Circuit Librarian (10th Cir.)
Robert Carr, Clerk of Court (E.D. Ky.)
Vikram Chandhok, Chief Circuit Mediator (5th Cir.)
Janet Medlock, Clerk of Court (Bankr. E.D. Wis.)
Kathleen Shambaugh, Chief Deputy Clerk (N.D. Cal.)
Todd Stickle, Clerk of Court (Bankr. E.D. Mich.)
Mitsi Westendorff, Chief U.S. Probation Officer (W.D. Tex.)
Jason Edwards, Chief, Court Services Office (Administrative Office of the U.S. Courts)
Charles Robinson, Deputy Chief, Probation and Pretrial Services Office (Administrative Office of the U.S. Courts)

Committee on Management and Professional Development Education

Katherine Gullo, Clerk of Court (Bankr. E.D. Mich.), *Chair*
Jane Bauer, Operations Manager (D. Conn.)
Kito Bess, Chief U.S. Probation Officer (D. Minn.)
Beryl Dixon, Director of Human Resources (Bankr. C.D. Cal.)

Daniela Guido, Deputy Chief Pretrial Services Officer (D.N.J.)
Brit Shelton, Supervisory Probation Officer (M.D. Tenn.)
Eric Storms, Chief Deputy Clerk (D. Me.)
Christopher Wolpert, Clerk of Court (10th Cir.)
William Hicks, Jr., Probation Administrator, Probation and Pretrial Services Office (Administrative Office of the U.S. Courts)
Gary McCaffrey, Chief, Court Operations Division (Administrative Office of the U.S. Courts)

Committee on Probation and Pretrial Services Education

Robin Grimes, Chief U.S. Probation Officer (N.D. Ohio), *Chair*
Shiela Adkins, Chief U.S. Pretrial Services Officer (D. Nev.)
Scott Anders, Chief U.S. Probation Officer (E.D. Mo.)
Kimberly Haney, U.S. Probation Officer (M.D. Tenn.)
Scott Kowal, Chief U.S. Pretrial Services Officer (S.D.N.Y.)
Adam Morton, Supervisory U.S. Probation Officer (N.D. Tex.)
Kandice Mullivan, Deputy Chief U.S. Probation Officer (D.S.D.)
Claudia Rios, Probation Administrator (Federal Probation and Pretrial Training Academy)
January Welks, Senior U.S. Probation Officer (D. Conn.)
Jay Whetzel, Probation Administrator, Probation and Pretrial Services Office (Administrative Office of the U.S. Courts)



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